

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 )  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

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MB Docket No. 05-311

**COMMENTS OF CITY OF SANTA CLARITA, CALIFORNIA**

These Comments are filed by the City of Santa Clarita. We wish to inform the Commission about the facts of video franchising in our community.

**Cable Franchising in Our Community**

**Community Information**

Santa Clarita is a city with a population of 170,000. Our franchised cable provider(s) are Time Warner Entertainment and Comcast Cable. Our City incorporated in December of 1987, four months after the County of Los Angeles had executed 15 year cable television franchise agreement with the two cable operators who provided service to the community at that time. As a result, Santa Clarita has spent the last four years attempting to negotiate its first the renewal of these existing cable franchises.

**Competitive Cable Systems**

Our community has recently been approached by a Bell Operating Company to provide service. Representatives from AT&T (formerly SBC) have approached Santa Clarita and indicated their interest in securing permission to provide IP video services to our residents. AT&T is currently working with Santa Clarita's public right of way to complete "Project Light Speed" upgrades to their existing infrastructure in order to provide IP video services to the community.

To date the City's discussions with AT&T have been informal. AT&T has asked Santa Clarita to consider granting them permission to provide IP based video services in the absence of a formal television franchise agreement. Specifically, AT&T has verbally indicated to the City their willingness to draft a Memorandum of Understanding (MOU) or Revocable License Agreement whereby AT&T commitments to meet all the terms and conditions currently outlined within proposed state legislation, in the event that AT&T is in a position to provide IP video service prior to the adoption of a potential state-wide video franchise for telecommunication companies. Representatives of AT&T have made it clear to City officials that they are not willing to consider a traditional cable franchise agreement as they believe their service incorporates the use of different technologies. To date, Santa Clarita and AT&T have yet to engage in more formal discussions

regarding terms such as local control issues, compensation for use of the public right of way and public interests such as PEG or I-Net support.

## **Conclusions**

Santa Clarita's local cable franchising process experience has been adequate. While the City has successfully worked with its two incumbent cable television providers to fund and operate a local PEG studio, Santa Clarita's franchise renewal experience has been one of great frustration. As the above information indicates, while Santa Clarita is experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account, the franchise process and the limitations that it afford the City as a result of previous federal legislation is one-sided and an exercise in frustration.

When it comes to issues concerning legislation of video services (regardless of whether it involves cable television or IP-based television), the interest of Santa Clarita and its residents will be best served through a solution that incorporates the following interests:

- Compensation to the City of Santa Clarita for the use of the public right-of-way is maintained.
- Maintenance of local control local control including the ability to dictate the time, place and manner in which any private agency conducts its business in the public right of way.
- That adequate assurances are available to ensure that the public interest is served as it relates to public, educational and government (PEG) program (both the requirement to carry such programming and the obligation to support such programming via capital and/or operation funding).

In consideration of the seemingly limitless boundaries of technology and the benefits that it creates for Santa Clarita and communities throughout our entire nation, the City of Santa Clarita respectfully requests that the Commission take this opportunity to create a new paradigm to address the manner in which local government and ALL current and future television service co-exist. While Santa Clarita strongly values the interests referenced above, in the interest of not limiting or unreasonably burdening the availability of technology enhancements, the City is open to ideas and strategies that extend beyond the traditional local franchise process to achieve these goals.

Respectfully submitted,

City of Santa Clarita

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